

Disclaimer:

The rules on this page are provided for the convenience of interested parties. While DES has taken care with the accuracy of the files accessible here, they are not necessarily the "official" administrative rules of the N.H. Department of Environmental Services. Administrative rules are periodically revised and readopted. Although every effort is made to see that the rules on this page are the most current versions available, some lapse in time may occur between adoption and the electronic posting of new rules or other files which may alter the meaning or context of those files. An "official" hard copy of all DES-related rules may be obtained from the DES Public Information and Permitting office, (603) 271-2975.

[New Hampshire Code of Administrative Rules](#)
[Env-Ws 1500](#)

Adopt Chapter Env-Ws 1500 to read as follows:

Chapter Env-Ws 1500 GROUNDWATER DISCHARGE PERMIT AND REGISTRATION

Statutory Authority: RSA 485-A:1, RSA 485-A:13, RSA 485:3,X, RSA 485-C:6,
RSA 485-C:13

PART Env-Ws 1501 PURPOSE

Env-Ws 1501.01 Purpose. The purpose of these rules is to establish standards, criteria, and procedures for groundwater discharge permits and discharge registrations to prevent pollution and protect groundwater.

PART Env-Ws 1502 DEFINITIONS

Env-Ws 1502.1 Definitions.

(a) "Ambient groundwater quality standards" means "ambient groundwater quality standards" as defined in RSA 485-C:2, I, namely "maximum concentration levels for regulated contaminants in groundwater which result from human operations or activities, as delineated in RSA 485-C:6."

(b) "Best available technology" means the best proven technology, treatment techniques or other means which are commercially available for the treatment of wastewater.

(c) "Department" means the department of environmental services.

(d) "Discharge" means disposal, addition, placement, or injection of any water, wastewater, septage, or sludge, onto or into the ground or groundwater, including a leak, spill, land treatment, or other intended release.

(e) "Domestic wastewater" means wastewater from human sanitary uses including, but not limited to, bathing, clothes washing, and toilets.

(f) "Facility" means all contiguous land and structures associated with the groundwater discharge activities described in RSA 485-A:13.

(g) "Floor drain" means an opening in a floor that is not specifically included in an authorized discharge under one or more of the following regulatory mechanisms:

- (1) A groundwater discharge permit or underground injection registration required pursuant to Env-Ws 1500;
- (2) A national pollutant discharge elimination system permit; or
- (3) Local authorization to discharge to the local wastewater treatment facility.

(h) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, or gaseous state.

(i) "Groundwater" means "groundwater" as defined in RSA 485-C:2, VIII, namely "subsurface water that occurs beneath the water table in soils and geologic formations".

(j) "Groundwater contamination" means a violation of groundwater quality criteria as specified in Table 1500-1.

(k) "Groundwater discharge zone" means the subsurface volume in which groundwater contamination associated with the discharge of domestic wastewater is contained.

(l) "Land application" means the placement of septage or sludge on the ground surface for beneficial use, whether or not the material is incorporated or injected in the surface soil.

(m) "Land treatment" means the controlled application of pretreated, domestic wastewater onto land surface to achieve a designed degree of treatment through natural, physical, chemical, and biological processes within the plant-soil-water-matrix. Land treatment includes spray irrigation, rapid infiltration, and overland flow systems.

(n) "Lot" means "lot" as defined in RSA 485-A:2, VII, namely "a part of a subdivision or a parcel of land which can be used as a building site or intended to be used for building purposes, whether immediate or future."

(o) "Nondomestic wastewater" means a wastewater generated from other than human sanitary uses including, but not limited to, industrial and commercial wastewater, and a combination of nondomestic and domestic wastewater.

(p) "Person" means "person" as defined in RSA 485-A:2, IX, namely "any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity."

(q) "Regulated contaminant" means "regulated contaminant" as defined in RSA 485-C:12 XIII, namely "any physical, chemical, biological, radiological substance or other matter, other than naturally occurring substances at naturally occurring levels, in water which adversely affects human health or the environment."

(r) "Regulated substance" means either:

- (1) "Oil" as defined in RSA 146-A:2, III; or
- (2) A substance listed in 40 CFR 302, 7-1-90 edition, with the following exclusions:
 - a. Ammonia;
 - b. Sodium hypochlorite;
 - c. Sodium hydroxide;
 - d. Acetic acid;
 - e. Sulfuric acid;
 - f. Potassium hydroxide; and
 - g. Potassium permanganate.

(s) "Remedial action plan" means the proposed action to remove or treat contamination sources, to contain contaminated groundwater within the limits of a proposed groundwater management zone, and to restore groundwater quality to meet groundwater quality criteria of Env-Ws 1503.03.

(t) "Septage" means "septage" as defined in RSA 485-A:2, IX-a, namely "material removed from septic tanks, cesspools, holding tanks, or other sewage treatment storage units, excluding sewage sludge from public treatment works and industrial waste." Septage includes septage from domestic, industrial, or commercial sources.

(u) "Sludge" means "sludge" as defined in RSA 485-A:2, XI-a, namely "the solid or semisolid material produced by water and wastewater treatment processes; provided, however, sludge which is disposed at solid waste facilities permitted by the waste management division of the department of environmental services shall be considered solid waste and regulated under RSA 149-M."

(v) "Surface water" means "surface waters of the state" as defined in RSA 485-A:2, XIV, namely "streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes or ponds bordering on the state, marshes, water courses and other bodies of water, natural or artificial."

(w) "Subsurface disposal system" means wastewater disposal systems regulated under RSA 485-A:29 through RSA 485-A:44.

(x) "Underground injection" means the subsurface emplacement of fluids through a bored,

drilled, driven, or dug well where the depth of the dug well is greater than the largest surface dimension.

(y) "Unlined lagoon" means an unlined pit or excavation, designed to receive wastewater, septage, or sludge, which has no barrier to prohibit the downward or lateral flow of the overlying waste, its constituents, or leachate.

(z) "Wastewater" means a fluid derived from domestic or nondomestic sources which is no longer used for its original intended purpose.

PART 1503 GROUNDWATER QUALITY

Env-Ws 1503.01 Groundwater Quality Criteria. Unless due to a natural condition or unless exempt under Env-Ws 1503.02, the following criteria shall apply to all groundwaters of the state:

- (a) Groundwater shall be suitable for use as drinking water without treatment;
- (b) Groundwater shall not contain any regulated contaminant at a concentration greater than the ambient groundwater quality standards in Env-Ws 1503.03; and
- (c) Groundwater shall not contain any contaminant at a concentration such that the natural discharge of that groundwater to surface water will cause a violation of a surface water quality standard.

Env-Ws 1503.02 Exemptions to Groundwater Quality Criteria. Groundwater quality shall be exempt from the groundwater quality criteria of Env-Ws 1503.01(a) and (b) if:

- (a) The groundwater is within a groundwater discharge zone permitted in accordance with Env-Ws 1504.01;
- (b) The groundwater is within a groundwater management zone permitted in accordance with Env-Wm 1403; or
- (c) The groundwater is contaminated solely from application of salt and other de-icing chemicals for winter road maintenance.

Env-Ws 1503.03 Ambient Groundwater Quality Standards.

(a) Pursuant to RSA 485-C:6, ambient groundwater quality standards shall apply to all regulated contaminants which result from human operations or activities. Ambient groundwater quality standards shall not apply to naturally occurring contaminants.

(b) For purposes of this section, the following definitions shall apply:

- (1) CAS No. means the chemical abstract service number;

- (2) ug/L means micrograms per liter; and
 - (3) Pci/L means picocuries per liter.
- (c) The following criteria shall apply to Table 1500-1:
- (1) Alkylbenzenes shall include 1,2,4 trimethyl benzene, 1,3,5 trimethyl benzene, n-propyl benzene, n-butyl benzene, 4-isopropyl toluene, tert-butyl benzene and sec-butyl benzene. The sum of the total of these compounds shall be compared to the ambient groundwater quality standard;
 - (2) If current SW 846 quantitation limits are greater than 0.05 ug/l, then the lowest achievable detection limit shall be the ambient groundwater quality standard for benzo(a)anthracene;
 - (3) If current SW 846 quantitation limits are greater than 0.2 ug/l, then the lowest achievable detection limit shall be the ambient groundwater quality standard for benzo(a)pyrene;
 - (4) If current SW 846 quantitation limits are greater than 0.05 ug/l, then the lowest achievable detection limit shall be the ambient groundwater quality standard for benzo(b)fluoranthene;
 - (5) If current SW 846 quantitation limits are greater than 0.5 ug/l, then the lowest achievable detection limit shall be the ambient groundwater quality standard for benzo(k)fluoranthene;
 - (6) If current SW 846 quantitation limits are greater than 4 ug/l, then the lowest achievable detection limit shall be the ambient groundwater quality standard for bromoform;
 - (7) Positives for total coliform shall be confirmed by the presence of other wastewater parameters, including, but not limited to, fecal coliform, Escherichia coli, fecal streptococcus, nitrates, and chlorides;
 - (8) If current SW 846 quantitation limits are greater than 5 ug/l, then the lowest achievable detection limit shall be the ambient groundwater quality standard for chrysene;
 - (9) If current SW 846 quantitation limits are greater than 0.005 ug/l, then the lowest achievable detection limit shall be the ambient groundwater quality standard for dibenzo(a,h)anthracene;
 - (10) If current SW 846 quantitation limits are greater than 0.2 ug/l, then the lowest

achievable detection limit shall be the ambient groundwater quality standard for 1,3-dichloropropene;

(11) If current SW 846 quantitation limits are greater than 14 ug/l, then the lowest achievable detection limit shall be the ambient groundwater quality standard for 2,4-dinitrophenol;

(12) If current SW 846 quantitation limits are greater than 0.05 ug/l, then the lowest achievable detection limit shall be the ambient groundwater quality standard for indeno(1,2,3-cd)pyrene; and

(13) The standard for total trihalomethanes shall be 100 ug/L if the groundwater is affected by chlorinated water supplies.

(d) Ambient groundwater quality standards shall be as set forth in Table 1500-1 below:

Table 1500-1 AMBIENT GROUNDWATER QUALITY STANDARDS		
Chemical Name	CAS No.	NH GW-1 µg/l (ppb)
Acenaphthene	83-32-9	420
Acenaphthylene	208-96-8	420
Acetone	67-64-1	700
Acrylonitrile	107-13-1	5
Alachor	15972-60-8	2
Aldicarb	116-06-3	3
Aldicarb sulfone	1646-88-4	2
Aldicarb sulfoxide	1646-87-3	4
Aldrin	309-00-2	0.04
Alkyl benzenes		50
Alkyl chloride	107-05-1	7.4
Anthracene	120-12-7	2,100
Antimony	7440-36-0	6
Arsenic	7440-38-2	50
Atrazine	1912-24-9	3
Barium	7440-39-3	2,000
Benzene	71-43-2	5
Benzidine	92-87-5	0.8

Table 1500-1 AMBIENT GROUNDWATER QUALITY STANDARDS		
Chemical Name	CAS No.	NH GW-1 µg/l (ppb)
Benzo(a)anthracene	56-55-3	0.5
Benzo(a)pyrene	50-32-8	0.2
Benzo(b)fluoranthene	205-99-2	0.05
Benzo(g,h,i)perylene	191-24-2	210
Benzo(k)fluoranthene	207-08-9	0.5
Benzoic Acid	65-85-0	28,000
Beryllium	7440-41-7	4
Biphenyl, 1,1-	92-52-4	350
Boron	7440-42-8	620
Bromodichloromethane	75-27-4	0.3
Bromoform	75-25-2	4
Bromomethane	74-83-9	10
Cadmium	7440-43-9	5
Camphor	76-22-2	200
Carbofuran	1563-66-2	40
Carbon disulfide	75-15-0	7
Carbon tetrachloride	56-23-5	5
Chlordane	57-74-9	2
Chloroaniline, p-	106-47-8	28
bis-(2-chloroethyl)ether	111-44-4	10
bis-(2-chloroisopropyl)ether	39638-32-9	300
bis-(chloromethyl)ether	542-88-1	10
Chloromethane	74-87-3	3
Chlorophenol, 2-	95-57-8	35
Chlorotoluene	95-49-8	100
Chromium (Total)	7440-47-3	100
Chrysene	218-01-9	5
Clopyralid (Stinger 3SC)	1702-17-6	3500
Copper	7440-50-8	1300
Cyanide	57-12-5	200
Cyanizine(Bladex 4L/90DF)	21725-46-2	1
2,4-D (Dichlorophenoxyacetic acid, 2,4-)	94-75-7	70
Dalapon	75-99-0	200
DDD (Dichlorodiphenyl dichloroethane, p,p')	72-54-8	0.1

Table 1500-1 AMBIENT GROUNDWATER QUALITY STANDARDS		
Chemical Name	CAS No.	NH GW-1 µg/l (ppb)
DDE (Dichlorodiphenyl dichloroethylene, p,p')	72-55-9	0.1
DDT (Dichlorodiphenyl trichloroethane, p,p')	50-29-3	0.1
Dibenzo(a,h)anthracene	53-70-3	0.005
Dibromochloromethane	124-48-1	0.3
Dibromochloropropane	96-12-8	0.2
Dibutylphthalate	84-74-2	34,000
Dichlorobenzene, 1,2- (o-DCB)	95-50-1	600
Dichlorobenzene, 1,3- (m-DCB)	541-73-1	600
Dichlorobenzene, 1,4- (p-DCB)	106-46-7	75
Dichlorobenzidine, 3,3'-	91-94-1	1.3
Dichlorodifluoromethane	75-71-8	1,000
Dichloroethane, 1,1-	75-34-3	81
Dichloroethane, 1,2-	107-06-2	5
Dichloroethylene, 1,1-	75-35-4	7
Dichloroethylene, cis-1,2-	156-59-2	70
Dichloroethylene, trans-1,2-	156-60-5	100
Dichloromethane (Methylene chloride)	75-09-2	5
Dichlorophenol, 2,4-	120-83-2	21
Dichloropropane, 1,2-	78-87-5	5
Dichloropropene, 1,3-	542-75-6	0.2
Dieldrin	60-57-1	0.002
Di(ethylhexyl)adipate	103-23-1	400
Di(ethylhexyl)phthalate (bis-(2-ethylhexyl)phthalate)	117-81-7	6
Dimethyl phthalate	131-11-3	50,000
Dimethylphenol, 2,4-	105-67-9	140
Dinitrophenol, 2,4-	51-28-5	14
Dinitrotoluene, 2,4-	121-14-2	10
Dinoseb	88-85-7	7
1,2-Diphenylhydrazine	122-66-7	10
Diquat	85-00-7	20
Endosulfan	115-29-7	42
Endothall	145-73-3	100
Endrin	72-20-8	2
Ethylbenzene	100-41-4	700

Table 1500-1 AMBIENT GROUNDWATER QUALITY STANDARDS		
Chemical Name	CAS No.	NH GW-1 µg/l (ppb)
Ethylene dibromide	106-93-4	0.05
Ethylene glycol	107-21-1	7,000
Fluoranthene	206-44-0	280
Fluorene	86-73-7	280
Fluoride	16984-48-8	4,000
Glyphosate	1071-83-6	700
Gross alpha radionuclides		15 Pci/L
Heptachlor	76-44-8	0.4
Heptachlor epoxide	1024-57-3	0.2
Hexachlorobenzene	118-74-1	1
Hexachlorobutadiene	87-68-3	0.5
Hexachlorocyclohexane, alpha	319-84-6	0.006
Hexachlorocyclohexane, beta	319-85-7	0.02
Hexachlorocyclohexane, gamma (Lindane)	58-89-9	0.02
Hexachlorocyclopentadiene	77-47-4	50
Hexachlorodibenzodioxin	34465-46-8	0.0221
Hexachloroethane	67-72-1	1.9
Indeno(1,2,3-cd)pyrene	193-39-5	0.05
Isophorone	78-59-1	100
Isopropyl benzene	98-82-8	280
Lead	7439-92-1	15
Mercury	7439-97-6	2
Methoxychlor	72-43-5	40
Methyl ethyl ketone (MEK)	78-93-3	170
Methyl isobutyl ketone (MIBK)	108-10-1	350
Methylnaphthalene, 2-	91-57-6	280
Methyl phenol, 2- (o-cresol)	95-48-7	350
Methyl phenol, 4- (p-cresol)	106-44-5	350
Methyl tert butyl ether	1634-04-4	70
Metolachlor (Dual 8E/25G)	51218-45-2	70
Metribuzin (Sencor 75DF)	21807-64-9	100
Monochlorobenzene (Chlorobenzene)	108-90-7	100
Naphthalene	91-20-3	20
Nickel	7440-02-0	100
Nitrate	14797-55-8	10,000

Table 1500-1 AMBIENT GROUNDWATER QUALITY STANDARDS		
Chemical Name	CAS No.	NH GW-1 µg/l (ppb)
Nitrite	14797-65-0	1,000
Oxamyl	23135-22-0	200
Pentachlorophenol	87-86-5	1
Phenanthrene	85-01-8	210
Phenol	108-95-2	4,000
Picloram	1918-02-1	500
Polychlorinated biphenyls (PCBs)	1336-36-3	0.5
Potassium	7440-09-7	35,000
Pyrene	129-00-0	210
Radium 226 and 228	7740-14-4	5 Pci/L
Selenium	7782-49-2	50
Silver	7440-22-4	50
Simazine	122-34-9	4
Strontium 90	7740-24-6	8 Pci/L
Styrene	100-42-5	100
Sulfate	14808-79-8	400,000
TCDD, 2,3,7,8- (Dioxin)	1746-01-6	0.00003
Tetrachloroethane, 1,1,1,2-	630-20-6	70
Tetrachloroethane, 1,1,2,2,-	79-34-5	0.17
Tetrachloroethylene (TCE)	127-18-4	5
Tetrahydrofuran	109-99-9	154
Thallium (thallium chloride)	7440-28-0	2
Toluene	108-88-3	1,000
Total Coliform	-	CTS/100ml
Toxaphene	8001-35-2	3
TP, 2,4,5- (Trichlorophenoxyacetic acid, 2,4,5-)	93-76-5	50
Trichlorobenzene, 1,3,5-	108-70-3	40
Trichlorobenzene, 1,2,4-	120-82-1	70
Trichloroethane, 1,1,1-	71-55-6	200
Trichloroethane, 1,1,2-	79-00-5	5
Trichloroethylene	79-01-6	5
Trichlorofluoromethane	75-69-4	2,000
Trichloromethane (Chloroform)	67-66-3	6
Trichlorophenol, 2,4,5-	95-95-4	700
Trichlorophenol, 2,4,6-	88-06-2	10
Trichloropropane, 1,2,3-	96-18-4	40

Table 1500-1 AMBIENT GROUNDWATER QUALITY STANDARDS		
Chemical Name	CAS No.	NH GW-1 µg/l (ppb)
Trihalomethanes (total)		6
Tritium	10028-17-8	20,000 Pci/L
Vinyl chloride	75-01-4	2
Xylenes (mixed isomers)	1330-20-7	10,000

Env-Ws 1503.04 Prohibited Discharges. The following discharges to the ground or groundwater shall be prohibited:

- (a) A nondomestic wastewater discharge that contains regulated contaminants and does not receive treatment by best available technology;
- (b) A nondomestic wastewater discharge that contains a regulated contaminant which exceeds the ambient groundwater quality standards; and
- (c) A discharge from a floor drain in the area where a regulated contaminant is used or stored.

PART 1504 GROUNDWATER DISCHARGE PERMIT REQUIREMENTS

Env-Ws 1504.01 Groundwater Discharge Permit.

- (a) A groundwater discharge permit shall be obtained for the following activities:
 - (1) The construction and operation of an unlined wastewater, septage or sludge lagoon;
 - (2) Land treatment of wastewater;
 - (3) The discharge onto or into the ground of nondomestic wastewater which contains a regulated contaminant and which has received treatment by best available technology before discharge;
 - (4) The discharge of domestic wastewater from a subsurface disposal system with a design flow equal to or greater than 20,000 gallons per day; and
 - (5) The discharge of domestic wastewater from subsurface disposal systems with

aggregate design flows equal to or greater than 1,000 gallons per day (gpd) for a single lot if the following criteria are met:

- a. The minimum nitrate setback distances, specified in Table 1500-2, to the property line are violated; and
- b. Where the setback distances for 2 or more leach fields overlap, the leach fields shall be considered one system and the setback distance shall be determined by the combined flow of the leach fields in accordance with Table 1500-2.

(b) Minimum nitrate setback distances to property lines shall be as set forth in Table 1500-2 below:

TABLE 1500-2			
MINIMUM NITRATE SETBACK DISTANCE TO PROPERTY LINE (FEET)			
Design Flow (gpd) <u>for each system</u>	Hydraulically <u>Downgradient</u>	Hydraulically <u>Sidegradient</u>	Hydraulically <u>Upgradient</u>
1,001 - 1,100	55	28	14
1,101 - 1,200	60	30	15
1,201 - 1,300	65	33	17
1,301 - 1,400	70	35	18
1,401 - 1,500	75	38	19
1,501 - 1,600	80	40	20
1,601 - 1,700	85	43	22
1,701 - 1,800	90	45	23
1,801 - 1,900	95	48	24
1,901 - 2,000	100	50	25
2,001 - 2,100	105	53	27
2,101 - 2,200	110	55	28
2,201 - 2,300	115	58	29
2,301 - 2,400	120	60	30
2,401 - 2,500	125	63	32
2,501 - 3,000	150	75	37
3,001 - 3,500	175	88	44
3,501 - 4,000	200	100	50
4,001 - 4,500	225	113	57
4,501 - 5,000	250	125	63
5,001 - 6,000	275	138	69
6,001 - 7,000	300	150	75
7,001 - 8,000	320	160	80
8,001 - 9,000	340	170	85
9,001 - 10,000	350	175	88
10,001 - 15,000	435	213	107
15,001 - 19,999	500	250	125

- (c) A groundwater discharge permit shall not be required for the following activities or facilities:
- (1) A discharge of domestic wastewater from a subsurface disposal system installed after July 1, 1988, and in compliance with RSA 485-A:29 through RSA 485-A:44, which meets nitrate setback distances set forth in Table 1500-2;
 - (2) A discharge of domestic wastewater from a subsurface disposal system:
 - a. Installed prior to July 1, 1988;
 - b. Installed after:
 - 1. June 11, 1965, for properties on islands;
 - 2. July 1, 1967, for properties within 1,000 feet of surface water; and
 - 3. July 1, 1971, for all other properties; and
 - c. Which is in compliance with RSA 485-A:29 through RSA 485-A:44 provided that the discharge does not pose a health threat;
 - (3) A discharge of domestic wastewater from a subsurface disposal system installed prior to:
 - a. June 11, 1965, for properties on islands;
 - b. July 1, 1967, for properties within 1000 feet of surface water; and
 - c. July 1, 1971, for all other properties provided that the discharge does not pose a health threat;
 - (4) Land application of sludge or septage which is in compliance with the requirements of Env-Ws 800 or Env-Ws 1600, if applicable;
 - (5) Nondomestic wastewater discharge that does not contain a regulated contaminant provided that the discharge is registered in accordance with the registration procedures of Env-Ws 1508.01;
 - (6) A discharge associated with an approved remedial action plan provided a groundwater management permit, pursuant to Env-Ws 1403, shall have been issued for the site;

(7) A discharge associated with a pumping test provided that the source water meets ambient groundwater quality standards as specified in Table 1500-1; and

(8) A discharge associated with agricultural operations which are conducted in compliance with all applicable chapters of RSA title XL and best management practices developed, administered, and enforced by the New Hampshire department of agriculture.

(d) Subject to (e) below, a groundwater discharge permit shall be obtained by the landowner.

(e) A groundwater discharge permit may be obtained by a person other than the landowner provided that:

(1) A deeded easement has been granted by the landowner to the person, for a minimum of 20 years, which grants the person exclusive rights to use the groundwater as a receiving medium for wastewater disposal; or

(2) A joint permit is requested by both the landowner and other person which acknowledges that both parties shall be held jointly and severally liable and shall be responsible for operation, maintenance, monitoring, closure, and compliance with all applicable department rules.

Env-Ws 1504.02 Groundwater Discharge Zone.

(a) An application for a groundwater discharge permit shall contain hydrogeological information sufficient to delineate a groundwater discharge zone, taking into consideration the geologic characteristics of the site, the estimated groundwater flow patterns, and contaminant transport and degradation mechanism.

(b) Except for subsurface disposal systems permitted under Env-Ws 1504.01, use of groundwater within the groundwater discharge zone shall be controlled by the permittee, either by ownership of the overlying land, or by deeded easement which grants the permittee the exclusive right to use the groundwater as a receiving medium for the wastewater disposal. As a condition of issuance of a permit, the permittee shall agree to control the use of groundwater within the discharge zone so as to prohibit its use for drinking water.

(c) The boundary of the groundwater discharge zone shall be at or within the property or easement boundary or the mean high water mark of the closest surface water body, whichever is closest to the edge of the wastewater application area. No discharge of domestic wastewater shall violate groundwater quality criteria set forth in Env-Ws 1503.01 at any point beyond the boundary of a groundwater discharge zone.

(d) Groundwater quality shall be monitored to ensure that groundwater quality criteria are not violated at the groundwater discharge zone boundary. Monitoring shall be conducted 2/3 the distance from the edge of the wastewater discharge area to the boundary of the groundwater discharge zone.

Env-Ws 1504.03 Groundwater Discharge Permit Compliance Criteria.

(a) Domestic wastewater shall receive primary treatment by settling of solids in subsurface disposal systems and secondary treatment as defined in 40 CFR 133 for other disposal methods, before discharge to the ground or groundwater.

(b) Municipal wastewater shall receive treatment in compliance with RSA 485-A:5, before discharge to the ground or groundwater.

(c) Nondomestic wastewater shall be treated by best available technology before discharge to the ground or groundwater. No such discharge shall contain regulated contaminants in a concentration greater than the ambient groundwater quality standards.

(d) No discharge shall cause the groundwater quality criteria set forth in Env-Ws 1503 to be violated at any point beyond the boundary of a groundwater discharge zone.

(e) No discharge shall cause degradation which results in a violation of surface water quality standards set forth in Env-Ws 430 in any surface water body.

(f) If a regulated contaminant is detected by monitoring at a concentration which violates groundwater quality standards, the permittee shall notify the department within 10 days and prepare a written response plan to ensure that groundwater quality criteria is not violated at the boundary of the groundwater discharge zone.

(g) The response plan shall include, but not be limited to:

- (1) Inspection and audit of activities and procedures at the facility to determine possible sources of contamination;
- (2) Further investigation;
- (3) Modification of facility operation;
- (4) Treatment of the waste stream;
- (5) Source remediation;
- (6) Groundwater restoration; or
- (7) Facility closure.

(h) The response plan shall be submitted to the department within 60 days of notification of the groundwater degradation at the monitoring points. The permittee shall implement the response plan within 30 days of department approval.

(i) The department shall approve the response plan within 90 days if it provides recommended action that will:

- (1) Remove, treat or contain the contamination source to prevent the additional release of contaminants to groundwater;
- (2) Achieve compliance with ambient groundwater quality standards;
- (3) Protect human health and the environment; and
- (4) Contain and confine contaminated groundwater within the limits of a proposed groundwater discharge zone, delineated in accordance with the procedures of Env-Ws 1504.02.

Env-Ws 1504.04 Groundwater Discharge Permit Procedures.

(a) The following information, if applicable to the facility, shall be included in the application for a groundwater discharge permit:

- (1) The facility name, address, property deed reference by county, book and page, property tax map and lot number;
- (2) The facility owner's name, mailing address, and telephone number;
- (3) The property owner's name, if different than facility owner, mailing address, and telephone number;
- (4) The facility operator's name, if different than facility owner, mailing address, and telephone number;
- (5) The contact person's name, mailing address, and telephone number;
- (6) A complete description of the facility, its intended capacity, type of wastes or wastewater handled, together with supporting information describing the process involved in the pretreatment, treatment, storage, or disposal of wastes;
- (7) The Standard Industrial Code (SIC) for industrial facilities;
- (8) A detailed description of the wastewater to be discharged, including:
 - a. Discharge characteristics, including calculations and analytical results if available;
 - b. Volume of discharge;

- c. Total number of discharge points;
- d. Hydraulic loading rates;
- e. Nitrate or contaminant movement study, if applicable; and
- f. Proposed discharge schedule;

(9) An original or color photocopy of a USGS map, 7-1/2 minute series, which clearly identifies the facility location;

(10) A groundwater discharge zone map, using a tax map as a base, which identifies and locates, to the extent ascertainable, the following:

- a. A groundwater discharge zone boundary;
- b. Any deeded easements which restrict the use of the groundwater within the zone;
- c. Any streets within 1,000 feet of the groundwater discharge zone;
- d. Any properties, including tax map and lot number, ownership and land use information, within 1,000 feet of the groundwater discharge zone;
- e. Any surface waters within 1,000 feet of the groundwater discharge zone including their designated river classification, in accordance with RSA 483, New Hampshire Rivers Management and Protection Program, if applicable;
- f. Any water supply sources, including type of use, within 1,000 feet of the groundwater discharge zone; and
- g. Any source water protection areas for any community, transient, or non-community, non-transient public water supply as defined by RSA 485:1-Aa, within 1000 feet of the groundwater discharge zone;

(11) A facility plan prepared in accordance with the following:

- a. The plan shall include a title, a legend, and a true north arrow;
- b. The plan shall be drawn to scale and the scale shall be noted on the plan and include a graphic scale bar;
- c. The base plan sources from which the facility plan was derived shall be noted on the plan; and

- d. The location, elevation, and datum of a bench mark shall be included, but if a bench mark referenced to National Geodetic Vertical Datum (NGVD) is within 1,000 feet of the facility, elevation shall be recorded using NGVD and the source of the NGVD bench mark information shall be noted on the plan;
- e. The plan shall identify and locate, to the extent ascertainable, the following:
 1. Wastewater application and unlined lagoon areas, including total land area available and area to be used;
 2. Existing and proposed groundwater monitoring wells that will be monitored;
 3. Surface water sampling points;
 4. Groundwater contours which show groundwater flow direction within 100 feet of the groundwater discharge zone;
 5. Surface waters within 100 feet of the groundwater discharge zone;
 6. Deeded easements which restrict the use of the groundwater;
 7. A groundwater discharge zone boundary;
 8. Land surface contours within 100 feet of the groundwater discharge zone;
 9. Piezometers used to develop groundwater contours and/or monitor groundwater mounding;
 10. Table of water level measurements and elevations found in piezometers and monitoring wells used to develop the groundwater contours;
 11. Soil borings and test pits within 100 feet of the groundwater discharge zone;
 12. Physical structures and buildings associated with facility;
 13. Surface and underground storage tanks associated with the facility;
 14. Underground utilities at the facility; and
 15. Subsurface drains at the facility; and

f. If the plan is larger than 11" x 17", a copy of the plan scaled to fit onto an 8 ½" x 11" or 11" x 17" sheet and modified to make the items listed in Env-Ws 1504.04(a)(11)a., Env-Ws 1504.04(a)(11)b., and Env-Ws 1504.04(a)(11)e.1. through Env-Ws 1504.04(a)(11)e.7. legible;

(12) A table summarizing all groundwater and surface water monitoring results to date for the last 5 years from existing monitoring points unless a longer period is specifically requested by the department;

(13) A list of reports on land use history, activities, water quality, and hydrogeology associated with the property on which the facility is located;

(14) A detailed proposal for a groundwater and surface water quality monitoring program, including proposed monitoring schedule, parameters to be analyzed, and monitoring locations, with supporting information justifying the locations, frequency, and parameters selected;

(15) Boring log data including:

a. Soil sample descriptions according to:

1. "Standard Classification of Soils for Engineering Purposes, Unified Soil Classification System," American Society for Testing and Materials, Designation: D2487, approved June 29, 1990, and published August 1990, updated 1993; or

2. "Standard Practice for Description and Identification of Soils, Visual Manual Procedure," American Society for Testing and Materials Designation: D2488, approved June 29, 1990, and published August 1990, updated 1993;

b. Drilling methods; and

c. "N-values" according to "Penetration Test and Split Barrel Sampling of Soil," American Society for Testing and Materials Designation: D1586, approved October 15, 1992;

(16) Well construction details of existing monitoring wells, top of well casing elevations and measured depth to water table from top of casing;

(17) Certification that application has been made for all required local, state, or federal permits;

(18) Certification by the applicant(s) that they agree to abide by the applicable rules

and conditions or the permit or registration, if issued;

(19) Certification of notice to the governing body of the municipality in which the facility is located. Notification shall be made by giving a copy of a completed permit application to the town/city clerk of the municipality;

(20) Documentation filed in the registry of deeds which acknowledges that easement ownership rights have been obtained to restrict the use of water wells within the groundwater discharge zone.

(21) Status of department approval of design plans and operations manual for the wastewater treatment system;

(22) A copy of the permit, or application if permit not yet issued, for the department approval of a site specific permit under RSA 485-A:17 if applicable, for drainage and erosion control measures;

(23) A copy of the permit, or application if a permit has not yet been issued, for the septage or sludge management permit pursuant to Env-Ws 800 or Env-Ws 1600, if applicable;

(24) A copy or status of department dam permit, if applicable, for bermed or dammed structures;

(25) A copy or status of department's wastewater treatment plant operator permit, as required under Env-Ws 901, if applicable; and

(26) For a new facility, the following information:

- a. An estimate of the construction time and the projected start-up date;
- b. A description of the geology of the site, including a description of surficial geologic materials, including estimates of hydraulic conductivity, hydraulic gradients, and seepage velocity, using:
 1. Soil types;
 2. Thickness; and
 3. Backup calculations to support the estimates; and
- c. A site-specific soil map of the proposed groundwater discharge zone prepared in accordance with the Site-Specific Soil Mapping Standards for New Hampshire and Vermont, Society of Soil Scientists of Northern New England

Publication No. 3, dated June 1997, and as amendeded from time to time; and

d. Written verification from the department of resource and economic development that no presence of a threatened or endangered species exists on the site.

(b) The plans and specifications shall be stamped by a professional engineer registered in New Hampshire.

(c) Subject to (d), below, a \$1,000 fee as required under RSA 485-A:13-a shall accompany the permit application and shall be in the form of a check payable to the "State of New Hampshire - D.E.S."

(d) State and local governments, including counties and political subdivisions, shall be exempt from the fee specified above.

(e) Within 90 days from the receipt of a complete permit application, the department shall issue a permit for a period of 5 years, subject to renewal if compliance with Env-Ws 1504.01, Env-Ws 1504.02, Env-Ws 1504.03 and Env-Ws 1504.04 has been demonstrated. The department shall notify the applicant of its decision in writing by issuing a permit or denying the application.

(f) The groundwater discharge permit shall contain conditions for monitoring, record keeping, and reporting as required to assure conformance with these rules.

(g) The permittee shall submit to the department before facility start-up an as-built site plan on 8 ½" x 11" or 11" x 17" sheets and boring logs and well construction details of wells installed after permit issuance.

(h) The permittee shall submit one complete set of water quality results to the department before facility start-up.

Env-Ws 1504.05 Inspections. In order to investigate either actual or suspected sources of potential harm to human health or the environment and to ascertain compliance or non-compliance with these rules, the department shall:

(a) Inspect any public or private property or premises as authorized by RSA 485-A:18, including land application sites, land treatment facilities, unlined lagoons, and wastewater treatment facilities;

(b) Gather evidence on existing conditions and procedures;

(c) Obtain representative samples of containers, floor drains, holding tanks, and other discharges;

- (d) Conduct tests, analyses, and evaluations;
- (e) Photograph containers, floor drains, holding tanks, processes or conditions related to registrations and discharges;
- (f) Inspect and/or be provided copies of any pertinent records, reports of information and test results relating to the requirements of these rules upon request; and
- (g) Obtain any other information as authorized by law.

PART 1505 TEMPORARY GROUNDWATER DISCHARGE PERMIT

Env-Ws 1505.01 Temporary Groundwater Discharge Permit.

- (a) The department shall issue a non-renewable, temporary groundwater discharge permit for a period not more than 4 months if compliance with Env-Ws 1505.02 and Env-Ws 1505.03 has been demonstrated.
- (b) The temporary groundwater discharge permit shall be limited to discharges of nondomestic wastewater that have received treatment by best available technology, including, but not limited to:
 - (1) The discharge generated from the rehabilitation or redevelopment of a public water supply well; and
 - (2) The discharge generated from the dewatering of tank excavations.

Env-Ws 1505.02 Temporary Groundwater Discharge Permit Compliance Criteria. Nondomestic wastewater shall be treated by best available technology before discharge to the ground or groundwater. No such discharge shall contain regulated contaminants in a concentration greater than the ambient groundwater quality standards.

Env-Ws 1505.03 Temporary Groundwater Discharge Permit Procedures.

- (a) The following information, if applicable to the facility, shall be included in the application for a temporary groundwater discharge permit:
 - (1) The facility name and address;
 - (2) The facility owner's name or facility operator's name, mailing address, and telephone number;
 - (3) The contact person's name, mailing address, and telephone number;

- (4) The proposed discharge information including:
 - a. The purpose of discharge;
 - b. The location of closest sanitary sewer;
 - c. The proposed discharge rate; and
 - d. The starting date of proposed discharge;
- (5) An original or color photocopy of a USGS map, 7-1/2 minute series, which clearly identifies the facility or site location and location of the closest sanitary sewer;
- (6) A description of the type of treatment proposed including a description of the wastewater, information on the influent and effluent water quality and on sludge or other by-products generated;
- (7) A table summarizing all monitoring results to date from existing monitoring points;
- (8) Certification that the applicant agrees not to discharge until written permission from the department has been received; and
- (9) Certification of notice to governing body of the municipality in which the facility is located.

(b) Notification shall be made by giving a copy of a completed permit application to the town/city clerk of the municipality.

(c) Upon receipt of a completed application, the department shall issue a non-renewable, temporary groundwater discharge permit for a period of no more than 4 months if compliance with Env-Ws 1505.02 and Env-Ws 1505.03 has been demonstrated. The department shall notify the applicant of its decision in writing by issuing a permit or denying the application.

(d) As part of the permit conditions, soil analysis shall be required following cessation of the temporary discharge.

PART 1506 PERMIT PROCESS

Env-Ws 1506.01 Permit Renewal Process

- (a) The permittee shall apply for the renewal of the permit 90 days prior to its expiration

date.

(b) The permittee shall continue to comply with all conditions in the original permit until the permit is renewed or the facility is closed in accordance with all applicable requirements, regardless of whether a renewal application is filed.

(c) The renewal application shall include an update of all information submitted for the expiring permit and all future modifications.

(d) The renewal application may reference information already contained in the department files if the information has not changed since the last application package submitted and meets the current criteria outlined in these rules.

Env-Ws 1506.02 Permit Modification and Termination.

(a) A permittee shall request a permit modification or permit termination by submitting a written request to the department, including the reasons for the modification or termination, and a table summarizing all monitoring results to date from existing monitoring points. The department shall modify or terminate the permit if the applicant can demonstrate compliance with Env-Ws 1504.03. The department shall modify or terminate the permit or deny the request, stating the reasons for denial in writing, within 90 days of receipt of the request.

(b) The department shall modify a permit without request by the permittee, in accordance with RSA 541-A:30, as follows:

(1) After providing written notice which shall:

- a. Identify the facility by name, identification number, location, and permit number;
- b. Explain the action(s) the department proposes to take and the reasons for the proposed action;
- c. Identify the department's authority for taking such an action;
- d. Explain the opportunity for an adjudicative hearing and related deadlines;
- e. List the name, title, mailing address and telephone of the department representative who may be contacted regarding the notice; and
- f. Be dated and signed by the director or a person so authorized by the director; and

(2) If the department determines that:

- a. Issuance of the permit was based on false or misleading information;
- b. Modification of the permit is necessary to ensure protection of human health or the environment; or
- c. Modification of the permit is necessary to ensure compliance with Env-Ws 1504.03.

(c) An adjudicative hearing on a permit modification initiated by the department pursuant to (b), above, shall:

- (1) Be requested by the permittee to the department in writing within 30 days of receipt of the notice from the department; and
- (3) Proceed in accordance with Env-C 202.

Env-Ws 1506.03 Transfer of Permits.

(a) Prior to a transfer of ownership of a facility or a site with a groundwater discharge permit, the permittee shall file a written request with the department for a transfer of the permit to the new owner.

(b) Transfer requests shall include the following information:

- (1) The department site number;
- (2) The site name;
- (3) The site address;
- (4) The tax map/lot number;
- (5) The name, address, telephone number, and signature of the person to whom the permit transfer is requested;
- (6) The name, address, and telephone number of the current permittee; and
- (7) A summary of all monitoring results to date.

(c) Within 90 days of receiving a request for transfer, the department shall approve or deny the transfer request and shall notify the present permittee and the new permittee of its decision in writing.

- (d) The department shall deny an application to transfer a permit if:
 - (1) The facility is not presently in compliance with the permit, these rules, or any applicable statutes;
 - (2) The permittee has failed to pay any outstanding penalties or costs related to the site, including the department's recoverable costs pursuant to RSA 146-A, RSA 146-C, RSA 147-B, RSA 485 and RSA 485-A; and
 - (3) The permittee has failed to perform in accordance with a court order, consent decree, or other settlement agreement relating to the property subject to the groundwater permit.
- (e) Within 30 days from the date of approval of transfer, the new permittee shall notify the department in writing of its acceptance of the permit.

PART 1507 GROUNDWATER SAMPLING AND REPORTING

Env-Ws1507.01 Water Quality Sampling, Analysis, and Reporting.

- (a) Groundwater quality shall be monitored at all facilities or sites receiving permits under these rules to ensure that groundwater quality is in compliance with the terms of the permit and with these rules.
- (b) Surface water points and water supply wells shall be monitored to ensure that water quality is in compliance with applicable water quality standards and the terms of the permit.
- (c) Sampling points in the wastewater and groundwater treatment systems specified in the permit shall be monitored to ascertain that design treatment efficiencies are achieved.
- (d) At least one hydraulically upgradient groundwater monitoring well shall be installed to monitor ambient groundwater quality.
- (e) The monitoring wells, piezometers, and other measurement, sampling, and analytical devices, shall be operated and maintained so that they perform to design specifications throughout the life of the monitoring program.
- (f) The parameters to be monitored shall be determined on a site specific basis depending on the regulated contaminants present in the discharge or contaminated area, or used in the permitted activity.
- (g) Frequency and location of water quality monitoring shall be determined on a site specific basis depending on the hydrogeologic characteristics of the site, predicted rates of groundwater flow, and treatment methods employed.

(h) The results of all sampling and analysis required under a groundwater permit shall be submitted to the department no later than the 45 days after the sampling date specified in the permit.

(i) Analyses shall be performed by a laboratory certified by the United States Environmental Protection Agency or the New Hampshire department of environmental services pursuant to Env-C 300.

(j) Sampling shall be performed in accordance with:

(1) Sampling procedures and protocol described in "Practical Guide for Ground-Water Sampling," document identification number EPA/600/2-85/104, United States Environmental Protection Agency, September 1985; and

(2) "RCRA Ground-Water Monitoring Technical Enforcement Guidance," document identification number PB87107751, United States Environmental Protection Agency, September 1986.

Env-Ws 1507.02 Groundwater Monitoring Wells.

(a) Monitoring wells shall be designed, installed, and decommissioned in accordance with the practices described in:

(1) "Standard Practices for Design and Installation of Ground Water Monitoring Wells in Aquifers," American Society for Testing and Materials, Designation: D 5092 - 90, approved June 29, 1990, and published October 1990, reapproved - 1995, no changes; and

(2) "Handbook of Suggested Practices for the Design and Installation of Ground-Water Monitoring Wells," document identification number EPA/600/4-89/034, United States Environmental Protection Agency, March, 1991.

(b) Monitoring wells shall be constructed and decommissioned only by licensed New Hampshire water well contractors holding a valid technical drillers license under RSA 482-B.

PART 1508 DISCHARGE REGISTRATION

Env-Ws 1508.01 Discharge Registration.

(a) A discharge registration shall be obtained by the owner of the facility for the following activities where the discharge is to occur:

(1) The discharge of nondomestic wastewater onto or into the ground which does not contain a regulated contaminant, including but not limited to, underground injection; and

(2) The discharge of a fluid, such as aquifer recharge or heat pump discharge, via underground injection.

(b) The following information, as applicable, shall be submitted in the application for registration:

(1) The facility name, address, property deed reference by county book and page and property tax map and lot number;

(2) The facility owner's name, mailing address, and telephone number;

(3) The property owner's name, if different than facility owner, mailing address, and telephone number;

(4) The facility operator's name, if different than facility owner, mailing address, and telephone number;

(5) The contact person's name, mailing address, and telephone number;

(6) An original or color photocopy of a USGS map, 7-1/2 minute series, which clearly identifies the facility location;

(7) A facility plan which clearly identifies the discharge point;

(8) A complete description of the facility and type of wastes or wastewater handled at the facility;

(9) A description of the wastewater characteristics, including analytical results;

(10) Information on chemical characteristics including the material safety data sheet as required in 29 CFR Chapter 1910 Part 1200 for all products that may be constituents of the discharge;

(11) A description of the disposal method, including dimensions of any injection well proposed to be used; and

(12) The discharge rate, or discharge volume, and schedule for periodic discharges.

(c) Upon receipt of a complete registration application, the department shall register the discharge and shall send notice to the owner of the registration. Discharges other than those described in the registration shall be prohibited.

(d) The facility owner shall notify the department in writing when the registered discharge has ceased.

(e) For underground injection wells that are abandoned, the procedures for abandonment shall be approved by the department if human health and the environment will be protected.

(f) The facility owner shall provide a sampling tap suitable for sampling at the point of discharge to the groundwater.

(g) If the department receives information which indicates that the facility owner is not in compliance with Env-Ws 1503.04, the facility owner shall sample the discharge and provide the analytical results to the department for the parameter(s) requested.

(h) If the department receives information which indicates that the facility owner is not in compliance with Env-Ws 1503.04, the facility owner shall make all existing records and other pertinent information concerning the discharge available to the department.

(i) The facility owner shall provide to the department in writing and within 10 days of sale of the facility, the new owner's name and mailing address.

(j) The new facility owner shall register the discharge with the department under Env-Ws 1508.01, within 30 days of the sale of the facility.

Env-Ws 1508.02 Floor Drains. Floor drains in areas where regulated substances are used or stored shall:

- (a) Be permanently sealed; or
- (b) Discharge into a registered holding tank.

Env-Ws 1508.03 Holding Tank Registrations for Discharges of Nondomestic, Nonhazardous Wastewater

(a) A holding tank registration shall be required for the use of holding tanks which receive flow from floor drains or other conduits in areas where regulated substances are used or stored.

(b) The department shall register only holding tanks which receive nondomestic, nonhazardous wastewater.

(c) The owner of the facility shall register the holding tank with the department

(d) The following information, as applicable, shall be submitted in the application for registration:

- (1) The facility name, address, property deed reference by county book and page and

property tax map and lot number;

- (2) The facility owner's name, mailing address, and telephone number;
- (3) The contact person's name, mailing address, and telephone number;
- (4) The property owner's name, if different than facility owner, mailing address, and telephone number;
- (5) An original or color photocopy of a USGS map, 7-1/2 minute series, which clearly identifies the facility location;
- (6) A site plan depicting the location of the building and the location of the holding tank;
- (7) A description of the anticipated characteristics including analytical results if available and volume of wastewater to be discharged to the holding tank;
- (8) A plan which includes frequency of disposal, method of transport, and location of ultimate disposal of the wastewater and residual solids;
- (9) A complete description of the facility and type of wastes or wastewater handled at the facility; and
- (10) Design plans which meet the following requirements:
 - a. The minimum holding tank capacity shall be 1,000 gallons;
 - b. Holding tanks and piping shall be watertight and sealed with materials compatible with the liquid or sludge being stored;
 - c. Access shall be provided to each compartment of the tank for inspection and cleaning by means of either a removable cover or manhole the minimum diameter of which shall be 20 inches;
 - d. Manholes shall extend to finished grade;
 - e. The entire tank shall be designed for the expected maximum structural load and ballast shall be provided to prevent structural damage when the tank is emptied; and
 - f. An alarm with both visual and audio signals shall be activated once the water level reaches 80% of the maximum storage capacity.

(e) Upon receipt of a complete registration application, the department shall register the holding tank and shall send notice to the owner of the registration. Discharges other than those described in the registration shall be prohibited.

(f) The holding tank owner shall notify the department within 30 days:

- (1) Of tank installation; or
- (2) Of tank closure or removal.

(g) If the department receives information which indicates that the facility owner is not in compliance with Env-Ws 1503.04, the holding tank owner shall sample the contents of the holding tank and provide the analytical results to the department for the parameter(s) requested.

(h) If the department receives information which indicates that the facility owner is not in compliance with Env-Ws 1503.04, the holding tank owner shall make all existing records and other pertinent information concerning the construction and operation of the holding tank available to the department.

(i) The facility owner shall provide the new owner's name and mailing address in writing to the department within 10 days of sale of the facility.

(j) The new facility owner shall register the holding tank with the department under Env-Ws 1508.03, within 30 days of the purchase of the holding tank.

(k) The contents of all registered holding tanks shall be emptied when at 80% of tank capacity and must be disposed of in accordance with all applicable state and local rules.

Env-Ws 1508.04 Inspections. In order to investigate either actual or suspected sources of potential harm to human health or the environment and to ascertain compliance or non-compliance with these rules, the department shall:

- (a) Inspect any public or private property or premises as authorized by RSA 485-A:18;
- (b) Gather evidence on existing conditions and procedures;
- (c) Obtain representative samples of containers, floor drains, holding tanks, and other discharges;
- (d) Conduct tests, analyses, and evaluations;
- (e) Photograph containers, floor drains, holding tanks, processes or conditions related to registrations and discharges;

(f) Inspect and/or be provided copies of any pertinent records, reports of information and test results relating to the requirements of these rules upon request; and

(g) Obtain any other information as authorized by law.

PART 1509 WAIVERS

Env-Ws 1509.01 Waivers.

(a) The rules contained in this part are intended to apply to a variety of conditions and circumstances. It is recognized that strict compliance with all rules might not fit every conceivable situation.

(b) Requests for waivers shall:

(1) Be submitted in writing to the department; and

(2) Include the following information:

a. A description of the facility or site to which the waiver request relates, including the name, address and department site number;

b. A specific citation of the rules for which a waiver is being sought;

c. A full explanation of why a waiver is necessary and demonstration of hardship caused if the rule is adhered to;

d. A full explanation of the alternative (s) to the rules(s) for which a waiver is sought, with backup data for support; and

e. A full explanation of how the alternative(s) shall be consistent with the intent of RSA 485, RSA 485-A, and RSA 485-C, and that human health and the environment will be protected.

(c) The department shall approve a request for a waiver upon finding that the alternatives proposed are at least equivalent to the requirements contained in this rule, are adequate to ensure that the provisions of RSA 485, RSA 485-A and RSA 485-C are met and that human health and the environment will be protected.

(d) No waiver shall be granted which, in the judgment of the department, contravenes the intent of any statute or rule.

(e) The department shall issue a written response to a request for a waiver within 90 days

of receipt of the request.

PART 1510 COMPLIANCE BY POLITICAL SUBDIVISIONS

Env-Ws 1510.01 Compliance by Political Subdivisions.

(a) The rules in this chapter have been developed and are intended to protect public health and the environment. All entities who engage in the activities regulated under these rules are encouraged to fully comply with the rules. Regardless of any exemption(s) from specific requirements of these rules pursuant to (b), below, all entities that engage in the activities regulated by these rules remain fully responsible for complying with all applicable statutes, such as those which prohibit the discharge of pollutants to groundwater.

(b) No specific requirement in these rules that is new, expanded or modified as compared to any requirement in effect prior to November 28, 1984, shall apply to a political subdivision unless such requirement:

- (1) Is fully funded by the state;
- (2) Is approved for funding by a vote of the local legislative body of the political subdivision;
- (3) Does not necessitate local expenditures in addition to those already required for compliance with the requirement in effect prior to November 28, 1984; or
- (4) Implements a federal statute or regulation with which the political subdivision would otherwise be required to comply by the federal government.